

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts
Southern District of Texas
ENTERED

MAR 29 2004

In Re ENRON CORPORATION
SECURITIES, DERIVATIVE &
"ERISA" LITIGATION,

§
§
§

MDL 1446

Michael N. Milby, Clerk of Court

MARK NEWBY, ET AL.,

§
§
§
§

Plaintiffs

VS.

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§

CIVIL ACTION NO. H-01-3624
AND CONSOLIDATED CASES

ENRON CORPORATION, ET AL.,

Defendants

SAMUEL GIANCARLO, Individually
and on Behalf of All Others
Similarly Situated,

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§
§

Plaintiffs,

VS.

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§

CIVIL ACTION NO. H-03-4359

UBS FINANCIAL SERVICES, INC.,
UBS SECURITIES, L.L.C., UBS AG
and UBS O'CONNOR, L.L.C.,

Defendants.

ORDER OF COORDINATION

Pending in H-03-4359 is Lead Plaintiff Samuel Giancarlo's motion for coordination of pretrial proceedings (instrument #22) and consolidation with MDL 1446, in particular with previously coordinated case H-02-0851, *Kevin Lamkin, et al. v. UBS PaineWebber, Inc., et al.* Defendants' counsel has informed the Court that it does not oppose the motion, as reflected in the parties' proposed joint discovery/case management plan provided to this Court.

Because the Court agrees that H-03-4359 is related to the subject matter of MDL 1446, the collapse of Enron Corporation, and in particular to H-02-0851, and that pretrial discovery and other proceedings should be coordinated, the Court

ORDERS that H-02-4359 is TRANSFERRED to the undersigned judge's docket pursuant to the order of consolidation entered in lead case H-01-3624, *Newby v. Enron Corp., et al.* on December 12, 2001. The Court further

ORDERS that the motion for coordination with MDL 1446 and *Newby* is hereby GRANTED. The docketing clerk shall henceforth designate H-03-4359 as a "coordinated case" in conjunction with *Newby* and shall enter it as such on the docket sheet of *Newby*.

Finally, the Court

ORDERS that the scheduling conference set before the Honorable Ewing Werlein on March 26, 2004 is CANCELLED, and this case shall proceed according the schedule established in *Newby*.

SIGNED at Houston, Texas, this 25th day of March, 2004.



MELINDA HARMON
UNITED STATES DISTRICT JUDGE